

**Text of Mulliken's letter to building council is included below.**  
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***Members, Building Code Council***

Dear Members of the Council,

Thank you for responding to my letter of June 7, 2004, concerning the proposed ban on open-flame barbeques and cut Christmas trees. I appreciated the actions taken by the SBCC on June 11 to address the important concerns raised by citizens around the state. I was pleased to learn of the adoption of emergency rules to remove these bans from the code except under very limited circumstances, and initiation of the process to permanently eliminate them. It is my understanding a public hearing on permanent rules is scheduled for October 15 and final consideration by the SBCC for November 12. These are steps in the right direction.

It has come to my attention an advisory committee is being formed to provide the SBCC with background and data on the open-flame cooking issue. I am concerned about the proposed membership of the advisory committee. It does not appear to adequately represent or value the interests of developers, builders, and residents of multi-tenant buildings who will be most affected by the proposed changes. It is my hope that the council will give full consideration to the effect these changes would have on the quality of life for our churches, residents, and other public and private settings. Additionally it remains unclear to me what kind of public outreach or involvement the SBCC intends to employ.

As I have said before, these controversial elements were never discussed when the code was brought before the Legislature as a measure to update building codes and make them uniform. There are serious concerns that these bans are unenforceable, as well as inappropriately invasive. My fellow legislators and I are hearing from affected apartment residents, owners, municipalities, builders, churches, schools, and citizens concerned about their privacy and constitutional rights regarding unlawful searches. If the SBCC does not eliminate section 308.3.1, these citizens will call upon the Legislature to give them close public scrutiny in the 2005 legislative session.

I trust you will make every effort to solicit and consider information from all interested and affected perspectives on these issues. I look forward to being kept apprised of your upcoming deliberations. Thank you again for your responsiveness, please contact me if you have any questions.

In Your Service,

Senator Joyce Mulliken  
13th Legislative District